

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

THE WAVE STUDIO, LLC,

Plaintiff,

vs.

GENERAL HOTEL MANAGEMENT LTD. et
al.,

Defendants.

Civil Action No. 13-cv-09239-CS-PED

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

COUNSEL:

PLEASE TAKE NOTICE that upon the Declaration of Monica Chloe Chng, executed on February 11, 2016, the Declaration of Dr. Stanley Lai, SC, executed on February 12, 2016, the Declaration of Abigail J. Remore, Esq., dated February 12, 2016, all the exhibits annexed thereto, the Memorandum of Law, Defendant General Hotel Management, Ltd.'s Statement of Material Facts Pursuant to Local Civil Rule 56.1, dated February 12, 2016, and all prior pleadings and proceedings heretofore had herein, Defendant General Hotel Management, Ltd. ("GHM"), through its attorneys, Chiesa Shahinian & Giantomasi PC, shall move this Court before the Honorable Cathy Seibel, United States District Judge, at the United States District Court for the Southern District of New York, 300 Quarropas Street, Rm. 621, White Plains, NY on April 28, 2016, or as soon thereafter as counsel may be heard, for an Order:

- (1) Granting summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure and dismissing Plaintiff's Complaint in its entirety with prejudice because under Singapore law, Ms. Lee, the Singapore Wave Entities and Plaintiff are not the owners of any of the photographs contained within the seventeen

copyright registrations alleged to be infringed in this action;

- (2) Dismissing Plaintiff's Complaint in its entirety with prejudice under the doctrine of *forum non conveniens* because New York is an inappropriate venue for adjudicating this case;
- (3) Dismissing Plaintiff's Complaint in its entirety with prejudice pursuant to Rule 19 of the Federal Rules of Civil Procedure because the hotels managed by GHM are indispensable parties to this litigation;
- (4) Granting summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure and dismissing Plaintiff's Complaint with prejudice as to nine of the seventeen copyright registrations alleged to be infringed in this action; and
- (5) Awarding such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, must be served upon GHM within the time prescribed during the pre-motion conference on December 3, 2016. In accordance with the Court's request, this motion shall be bundled and submitted to the Court only when fully briefed.

GHM requests oral argument on the motion if opposition is filed.

Respectfully submitted,

CHIESA SHAHINIAN & GIANTOMASI PC
Attorneys for Defendant
General Hotel Management, Ltd.

By: 
HOWARD J. SCHWARTZ

Dated: February 12, 2016

TO: Vijay Toke, Esq.
Cobalt LLP
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Attorneys for Plaintiff
The Wave Studio, LLC